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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Bahraini prisoner of conscience and former MP Shaikh Hasan Isa: from enforced disappearance to solitary confinement and ending in unfair trial

Shaikh Hasan Isa, who is a former MP of Al Wefaq opposition bloc and a cleric, was arrested on 18-8-2015 from Bahrain International Airport at 8.30 pm at his arrival with his family from a vacation trip. He was directly taken to the criminal investigations department (CID) without being allowed to call his lawyers or learn of the reasons for his arrest. As a result, his family was concerned of his condition, given that his lawyer asked about him in the CID and was told that he was not there.

On the next day, his lawyers approached the Public Prosecution Office to notify the office of his enforced disappearance and that they have power of attorney to attend his interrogation sessions. His enforced disappearance continued for 16 days where he was not allowed to contact his family or lawyers. On 3rd of September, 2015 he was allowed a phone call to his family in the CID. He asked for some personal items and clothes.
On 9th of September 2015 he was allowed access to his lawyer in the building of the CID for 15 minutes only, that was 22 days after his arrest.

We then learned that he was subjected to coercion and threat by his interrogator (an investigation officer in the CID) where he told him: "If you don't confess to the accusations against you, we will take to the torture room". He was also denied his right to pray and shower for over 2 weeks. His interrogation session took place at late night hours just a few hours after his arrest, although he was tired from his travel vacation. His interrogator insisted that he be questioned in these difficult conditions.

We have reviewed the minute-record of his questioning by the police and found no crime he could be punished for by the law. However, the police transferred him to the Public Prosecution Office with the accusation of "funding terrorism acts". The Prosecution Office interrogated him without the presence of a lawyer despite the fact that the Bahraini law implied the presence of a lawyer with every defendant of a crime in order to protect his right but the Prosecution Office acted against the law and accused him with the same charges the police laid against him, and transferred his case to the Supreme Criminal Court – fourth unit.

On 12th January 2016, Shaikh Hasan Isa's first hearing session was held. He looked exhausted (physically and psychologically) due to his detention in solitary confinement. In the hearing, Sheikh Hasan Isa denied all charges against him before the judge, however, the latter ordered for the continuation of his detention and adjourned the case to 28th February 2016 to hear the defence team's (his lawyers) response. After the session he was taken back to solitary confinement as he remained until the moment of writing this report.
We have followed the course of interrogation and trial and found that he was subjected to violations and abuse. We mention the main violations below.

1. Enforced disappearance for 16 days
2. Denied access to family and lawyers until his interrogation in the Prosecution Office was over
3. Subjected to coercion and threat to confess the accusations against him in the CID building
4. His bank accounts were revealed without permission from the Prosecution Office
5. His mobile phone was searched without his permission or the Prosecution Office's permission
6. Denied right to prayer and shower
7. Arrested without permission from the Public Prosecution

Thus, ShaikhHasan Isa must be released immediately and without conditions given that he is a prisoner of conscience and was arbitrarily arrested because of his peaceful political activism and practice of the right to opinion and expression. Above all this, he is a cleric and the Bahraini Authorities seek to entrench sectarian persecution against the Shia sect.

This case, as well as the hundreds of cases of prisoners of conscience in Bahrain, fosters the belief that the judiciary in

Bahrain lacks independency and that it is used to retaliate from dissidents who express their opinion peacefully. It is therefore necessary that the member states in the Human Rights Council include Bahrain in the agenda of the HRC's sessions as a human rights crisis that needs the attention of the Council.

Based on the information laid in this case and other cases, we hereby urge the member states of the Human Rights Council to pressure the Government of Bahrain to allow the Special Rapporteurs listed below a visit to Bahrain and respond to 7 visit requests made by UN Special Rapporteurs:

1. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
2. Special Rapporteur on the right to freedom of assembly and association
3. Special Rapporteur on the situation of human rights defenders
4. Special Rapporteur on arbitrary detention
5. Special Rapporteur on the freedom of opinion and expression

We also recommend the member states to press the Government of Bahrain to improve the human rights situation through the following steps:

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- To ratify the Optional Protocol of the International Covenant on Civil and Political Rights and the Optional Protocol of the Convention against Torture as well as the International Convention for the Protection of All Persons from Enforced Disappearances
- To allow independent human rights NGOs regular entry to Bahrain to help monitor the human rights situation in Bahrain
- To open inclusive, impartial and independent investigations in the allegations of torture and mistreatment
- To review or annul laws that restrict freedom of expression without justification, and the freedom of peaceful assembly and association
- To make a comprehensive reform in the legal system to ensure the independency of the judiciary
- To press for the issuance of a permit to open a Country Office of the High Commissioner for Human Rights